

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NEDYALKO M. VARTELOV	:	CIVIL ACTION
	:	
v.	:	
	:	
MONTGOMERYVILLE ACURA	:	NO. 21-5226


ORDER

AND NOW, this 24th day of April 2023, upon consideration of Defendant's Motion for Summary Judgment (ECF 24), Plaintiff's Response thereto (ECF 27), Plaintiff's Cross-Motion for Partial Summary Judgment (ECF 25), Defendant's Response thereto (ECF 26), and Plaintiff's Reply (ECF 28), it is **ORDERED**:

1. Defendant's Motion (ECF 24) is **GRANTED in part** and **JUDGMENT IS ENTERED IN FAVOR OF** Defendant Montgomeryville Acura and **AGAINST** Plaintiff Nedyalko M. Vartelov with respect to Count I of the Amended Complaint (the Odometer Act claim) only;
2. The Court declines to exercise supplemental jurisdiction under 28 U.S.C. § 1367(c)(3) over Counts II and III of the Amended Complaint—Plaintiff's UTPCPL and fraud claims—and they are **DISMISSED without prejudice** to renewal in an appropriate state court;
3. Defendant's Motion seeking summary judgment in its favor with respect to Counts II and III of the Amended Complaint (ECF 24) and Plaintiff's Partial Motion for Summary Judgment (ECF 25) are **DENIED** as **MOOT**; and

4. The Clerk of Court shall close this case.

BY THE COURT:



Berle M. Schiller, J.